

FILE COPY

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION**

In re:	)	Chapter 11
	)	
EASTERN LIVESTOCK CO., LLC,	)	Case No. 10-93904-BHL-H
	)	
<u>Debtor.</u>	)	

2013 APR 18 AM 11:59

U.S. BANKRUPTCY CT.  
SOUTHERN DISTRICT  
OF INDIANA  
NEW ALBANY  
KEVIN D. REED  
CLERK

**ANSWER  
TO TRUSTEE'S OBJECTION TO CLAIM 289 FILED BY MICHAEL WADE  
LOULA AND NOTICE OF RESPONSE DEADLINE**

COMES NOW Michael Wade Loula, Pro Se and files his formal Objection to reclassification of his claim from Secured Priority Status to that of a General Unsecured Claim. I certify that I received the Trustee's Objection to my claim status on March 16, 2013, that I have not received nor anticipate receipt of any payment upon the amount owed to me from any non-plan or alternate source. My position is as follows:

1. In the spring and early summer of 2010, I borrowed approximately \$52,731.60 from Farm Credit of Western Oklahoma in Clinton, Oklahoma, to purchase 63 head of stocker steers to graze on grass and wheat pasture.

2. On September 13, 2010, I contracted the above cattle to Eastern Livestock for October delivery. The first half of the cattle were delivered to Eastern Livestock on October 15, 2010, for which I was paid in full when the cattle left my property. The second and final load (63 steers) of the contracted cattle was delivered to Eastern Livestock Company on October 27, 2010, for which I received a check in the amount of \$52,731.60.

3. I never considered myself a creditor of Eastern Livestock as my cattle would not have left my property without payment in the amount of \$52,731.60 having been made at the time of delivery on October 27, 2010. The check, which was subsequently dishonored, was used to obtain possession of my cattle which in my opinion was a criminal act.

4. I delivered the Eastern Livestock check in the amount of \$52,731.60 to my financial institution, Farm Credit of Western Oklahoma, Clinton, Oklahoma. The Eastern Livestock check was not honored by Fifth Third Bank Center in Cincinnati, Ohio.

5. After I was notified by my financial institution that the \$52,731.60 check was not honored I was able to trace my load of 63 steers to Cactus Growers, Inc., feed yard, in Ulysses, Kansas.

6. Through correspondence with Cactus Growers, I was informed that on October 28, 2010, the day after the cattle left my pasture, Cactus Growers issued their check no. 710089 to Eastern Livestock in the amount of \$366,599.76 which included payment for my cattle. Cactus asserted that they were good faith purchasers for value under the UCC, had paid Eastern Livestock for my cattle and were not liable to me.

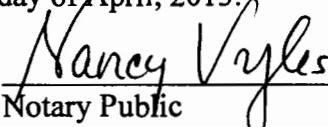
It is my position that my claim should be Secured or Priority Status, that I was never a "creditor" of Eastern Livestock and that my cattle were obtained by Eastern Livestock through fraud. Fifth Third Bank Center in Cincinnati, Ohio, received a \$366,599.76 check from Cactus Growers that included payment for my cattle. The bank and other parties that chose to extend credit to Eastern Livestock should not share in or benefit from the sale of my cattle.

Respectfully submitted,

  
MICHAEL WADE LOULA  
Pro Se  
Rt. 1, Box 50  
Colony, OK 73021-9631

Subscribed and sworn to before me this 15<sup>th</sup> day of April, 2013.

  
My commission expires:  
April 7, 2015

  
Nancy Vyles  
Notary Public  
My commission no.: 03004737

**CERTIFICATE OF MAILING**

This is to certify that on this 15<sup>th</sup> day of April, 2013, the original Answer to Trustee's Objection to Claim 289 Filed by Michael Wade Loula and Notice of Response Deadline, was mailed, via certified mail, to:

Clerk of the United States Bankruptcy Court  
Southern District of Indiana  
New Albany Division  
110 U.S. Courthouse  
121 West Spring Street  
New Albany, IN 47150

This is to certify that on this 15<sup>th</sup> day of April, 2013, a copy of the Answer to Trustee's Objection to Claim 289 Filed by Michael Wade Loula and Notice of Response Deadline, was mailed, postage prepaid, to Trustee's Counsel:

Faegre Baker Daniels LLP  
Attn: Dustin DeNeal  
300 N. Meridian Street  
Suite 2700  
Indianapolis, IN 46204

  
MICHAEL WADE LOULA  
Pro Se